

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 23RD AUGUST 2007 / 1ST BHADRA 1929

WP(C).No. 3703 of 2007(N)

PETITIONER:

**SWAPANA BIJOY,
PROPRIETRIX, SWABIN TRANSPORTS,
PENTA TOWERS, OPP. P.V.S. HOSPITAL,
KALOOR, KOCHI-682 017.**

**BY ADV. SRI.K.JAJU BABU
SMT.M.U.VIJAYALAKSHMI**

RESPONDENTS:

- 1. THE REGIONAL TRANSPORT OFFICER/
THE ADDITIONAL REGISTERING AUTHORITY,
ERNAKULAM.**
- 2. THE DEPUTY TRANSPORT COMMISSIONER (LAW),
CENTRAL ZONE, ERNAKULAM.**
- 3. CANARA BANK, REPRESENTED BY
SENIOR MANAGER, CURRENCY CHEST,
TRIPUNITHURA.**

**BY GOVERNMENT PLEADER SRI.M.R.SABU
SRI.M.C.SEN (SR.)
SMT.SHAHNA KARTHIKEYAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 23/08/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

W.P.(C) NO.3703/2007
APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE PROCEEDINGS DT. 16.3.06 ISSUED BY THE 3RD RESPONDENT.

EXT.P2:- COPY OF THE REGISTRATION CERTIFICATE ISSUED TO THE PETITIONER BY THE 1ST RESPONDENT.

EXT.P3:- COPY OF THE COMMUNICATION DT. 18.4.06 VIDE NO.MS/CB/CCTPN/8 GL/ CASH VEHICLE/42/2006 ISSUED BY 3RD RESPONDENT.

EXT.P4:- COPY OF THE COMMUNICATION DT. 15.5.06 VIDE NO.CBCCTPN/VEHICLE/49/06 ISSUED BY THE 3RD RESPONDENT.

EXT.P5:- COPY OF THE LETTER NO.MS/CBCCTPN/ CASH VAN/63/06 DT. 14.7.06 ISSUED BY THE 3RD RESPONDENT TO THE 1ST RESPONDENT.

EXT.P6:- COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT D.T 15.7.06.

EXT.P7:- COPY OF THE ORDER NO.7/91542/06/E DT.5.8.06 ISSUED BY THE 1ST RESPONDENT.

EXT.P8:- COPY OF THE LETTER NO.8GL VEHICLE/RE/GBP/06 DT. 6.9.06 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER.

EXT.P9:- COPY OF THE INVOICE DT. 25.3.06 ISSUED BY THE POOMKUDY FORCE TO THE PETITIONER'S HUSBAND.

EXT.P10:- COPY OF THE DT. 25.3.06 ISSUED BY BIN FAB ENGINEERING WORKS TO THE PETITIONER'S HUSBAND.

EXT.P11:- COPY OF THE MEMORANDUM SUBMITTED BY THE PETITIONER BEFORE THE DEPUTY TRANSPORT COMMISSIONER DT. 20.11.06.

EXT.P12:- COPY OF THE ORDER NO.C/305306/CZ II DT. 16.1.07 ISSUED BY THE 1ST RESPONDENT.

EXT.P13:- COPY OF THE NOTIFICATION WHICH APPEARED IN MATHRUBHUMI DAILY DT. 17.12.06.

EXT.P14:- COPY OF THE MEMO NO.8G2/VEHICLE/2007/GBP DT. 30.7.07 ISSUED TO THE PETITIONER BY THE 3RD RESPONDENT.

/TRUE COPY/

P.A. TO JUDGE

S. SIRI JAGAN, J.

W.P.(C)NO. 3703 OF 2007

DATED THIS THE 23rd DAY OF AUGUST, 2007

JUDGMENT

The petitioner obtained a contract for transportation of currency notes on behalf of the 3rd respondent as per Ext.P1. For executing the contract, the petitioner purchased a new vehicle as per Ext.P2. The 3rd respondent insisted that unless the seating capacity of the vehicle is increased, they cannot allow the petitioner to continue the contract. The petitioner, therefore, filed an application before the 1st respondent for permission to increase the seating capacity, which was rejected. The petitioner's contention is that similar request has been allowed in respect of another vehicle. The petitioner, therefore, seeks a direction to the 1st respondent to give permission for increasing the seating capacity of the petitioner's vehicle.

2. The 1st respondent has filed a counter affidavit in which it is categorically admitted that a similar vehicle has been granted this facility of increasing seating capacity. That being so, the petitioner is entitled to the second relief prayed for in the writ petition.

3. Accordingly, I direct the 1st respondent to give permission to the petitioner for increasing the seating capacity of the Tempo

Traveller having Ext.P2 registration certificate. This shall be done within a period of two weeks from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

S. SIRI JAGAN, JUDGE

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